

REMARKS

The Applicant respectfully requests reconsideration of the pending claims.

The language creating the section 112 rejections has been removed from the claims. The Applicant submits the amendments obviate the section 112 rejections.

The Examiner rejected claims 1, 5, 6, 9, 11-14, and 26-28 as being anticipated by Town '521 under 102(e). The Examiner also rejected claims 8, 19 and 20 as being obvious in view of Town in view of Hodek. The Applicant continues to respectfully traverse the rejection and submits the amended claims are patentable. As discussed in the Applicant's previous responses, Town discloses a sealant system that is the opposite of the sealant methodology recited in Applicant's claims. Town locates its structural sealant inwardly of the secondary sealant that hermetically seals the insulating glazing unit. The claims are thus not anticipated by or obvious in view of Town. Further, there is no motivation in the references for reversing the positions of the sealants disclosed in Town. The Applicant thus submits that the claims are patentable over Town whether taken alone or in combination with other references.

The Town reference discloses a glazing unit that includes a film (6) that is used to disperse light. The film (6) is disposed in the insulating chamber of the glazing unit. The film (6) is a flexible material that is typically Mylar. The film (6) must be firmly held so that it does not wrinkle over years of use. If the film (6) wrinkles, the aesthetic appearance of the glazing unit is destroyed and the consumer asks for a warranty replacement. The problem of securely and firmly holding the film (6) taut is solved by Town by using a curable sealant (26) to anchor the perimeter edge of the film (6) in the sealant channel. The curable sealant (26) securely bonds to the perimeter edge of the film (6) and holds it taut. The secondary sealant (28) is used to prevent moisture from entering the insulating chamber of the glazing unit. The invention recited in the claims requires the sealants to be in the opposite locations as those disclosed in Town in order to protect the critical primary sealant from damage. The Applicant has amended each of the claims to recite that the

primary sealant is a hot melt butyl sealant. The Applicant has also amended the claims to specify the type of secondary sealant used with the method. Town does not disclose the use of hot melt butyl in the location recited in the claims. Further, Town does not suggest the use of hot melt butyl because flowable, non-structural sealants such as hot melt butyl cannot function to hold a film taut in the manner required by Town. The Applicant submits that one of ordinary skill in the art would not be motivated by the Hodek reference to make the substitution proposed by the Examiner because the use of butyl adhesive disclosed in Hodek would render the Town device inoperable for its intended purpose. Hot melt butyl would not hold the film taut and the user would be able to the wrinkles. Thus, the pending claims are not obvious in view of the combination of Town and Hodek.

The invention now recited in the amended claims has significant benefits over the Town system because the flexible non-curable sealant that stops moisture from entering the insulating chamber is sandwiched between the spacer and a curable, thermoset or structural sealant on the outer perimeter of the glazing unit. This arrangement prevents damage to the critical primary sealant during shipping and handling of the glazing unit. This arrangement also provides a glazing unit that does not expose the sticky, flowable hot melt butyl sealant to the exposed outer edge of the glazing unit where it can stick to people's hands and support surfaces (especially in hot weather). The method of the present invention also provides a glazing unit having the hot melt butyl sealant protected against creeping and loosening due to glazing unit "pumping" that occurs in windy conditions and when there are temperature and pressure changes. The hot melt butyl sealant is protected against creeping and loosening because it is sandwiched between the spacer and a curable or thermoset secondary sealant.

The method of the invention also provides a glazing unit that is less prone to attack from ultraviolet light because the secondary sealant prevents the ultraviolet light from attacking the primary sealant before the glazing units are installed in sashes. Once the glazing units are installed in the sashes, the curable or thermoset

secondary sealant prevents water from directly attacking the primary sealant if water pools in the sash against the outer edge of the glazing unit.

The Examiner rejected claims 2, 3, 10, 21-23, 25, 30, and 31 as being obvious in view of the combination of Town and Hodek. Claim 15 stands rejected as being obvious in view the combination of Town and Schlienkamp. Claims 16 and 17 stand rejected as being obvious in view the combination of Town and Battersby. Claims 4, 7-11, 13, 18, 20, 21, 23, 24, 28, 29, 30, and 31 have been canceled thus obviating the need for a further response to the rejections of these claims. The Applicant submits that claim 2 is independently patentable. The art does not teach the method of sealing a glazing unit with the sealant locations of claim 1 in combination with the foam-bodied, desiccant-carrying spacer of claim 2. There is disclosure or motivation in the Town and Hodek references to conduct the method recited in claim 2. The Applicant also submits that claims 15, 16, 17 are independently patentable because the combinations of references cited by the Examiner do not disclose or suggest the sealant application methods now recited in the claims. The methods require the hot melt butyl to be applied under the secondary sealant at different stations or with first and second applicators. The secondary references cited by the Examiner do not suggest the sealant arrangements thus do not render the claims obvious. The remaining claims are patentable based on the patentability of their independent claim.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowance. If any issues remain after this amendment, the undersigned attorney would welcome a telephone call.



Fred H. Zollinger III
Registration No. 39,438
Zollinger & Burleson Ltd.



P.O. Box 2368
North Canton, OH 44720

Phone: 330-526-0104
Fax: 1-866-311-9964

CERTIFICATE OF MAILING

I hereby certify that this correspondence (Amendment E in application serial no. 09/670,705 filed September 27, 2000) is being deposited with the United States Postal Service as first class mail in an envelope addressed to
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on September 7, 2004.



Fred H. Zollinger III
Reg. No. 39,438